

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

YOUNES KABBAJ,

Plaintiff,

v.

GOOGLE, INC., et al.,

Defendants.

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Civ. No. 13-1522-RGA

MEMORANDUM

Plaintiff Younes Kabbaj filed this action asserting jurisdiction by reason of diversity pursuant to 28 U.S.C. § 1332 and raising claims under Delaware law. (D.I. 2, 23). He appears *pro se* and was granted leave to proceed *in forma pauperis* (D.I. 5), but he paid the filing fee on October 2, 2013. On April 7, 2014, the Court granted Defendants' motions to dismiss, denied Plaintiff's motions for leave to amend, denied the remaining motions, and closed the case. (See D.I. 87, 98). Presently before the Court are Plaintiff's motion for reconsideration, motion for an extension of time to file an appeal, and a motion regarding the appeal. (D.I. 107, 110, 111).

The Court first addresses the motion for reconsideration. (D.I. 107). The purpose of a motion for reconsideration is to "correct manifest errors of law or fact or to present newly discovered evidence." *Max's Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999). "A proper Rule 59(e) motion . . . must rely on one of three grounds: (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice. *Lazaridis v. Wehmer*, 591 F.3d 666, 669 (3d Cir. 2010) (citing *N. River Ins. Co. v. CIGNA Reinsurance Co.*, 52 F.3d 1194, 1218 (3d Cir. 1995)).

The Court finds that Plaintiff has failed to demonstrate any of the aforementioned grounds to warrant a reconsideration of the Court's April 7, 2014 memorandum opinion and order (D.I. 97, 98) that granted the motions to dismiss and closed the case. Therefore, the Court will deny the motion for reconsideration.

Plaintiff has also filed a motion for an extension of time to file an appeal (D.I. 110) and a motion concerning the notice of appeal (D.I. 111). On May 6, 2014, Plaintiff filed a notice of appeal of the April 7, 2014 memorandum opinion and order. The notice of appeal was timely filed. See Fed. R. App. P. 4(a). Therefore, the Court will dismiss as moot the motions regarding the appeal. (D.I. 110, 111).

Finally, the Court finds that Plaintiff has failed to show cause why he should not be ordered to return to the Court any "signed in blank" District of Delaware subpoenas in his possession. Plaintiff did not respond to a show cause order entered by the Court on April 17, 2014, that required him to show cause on or before May 8, 2014. (See D.I. 101).

For the above reasons, the Court will: (1) deny Plaintiff's motion for reconsideration (D.I. 107); (2) dismiss as moot Plaintiff's motions regarding appeal (D.I. 110, 111); and (3) find that Plaintiff has failed to show cause why he should not be ordered to return any "signed in blank" District of Delaware subpoenas in his possession. An appropriate order will be entered.


UNITED STATES DISTRICT JUDGE

May 16, 2014
Wilmington, Delaware